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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alan J. Lipton et al.

Art Unit: 2621

Application No: 10/766,949

Examiner: G. S. Philippe

Confirmation No: 2493

Atty. Docket No: 37112-192025

Filed: January 30, 2004

Customer No:

For: VIDEO-BASED PASSBACK EVENT
DETECTION

26694

PATENT TRADEMARK OFFICE

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Mail Stop Refunds

Dear Sir:

At the time of filing the Amendment, and paying the Issue Fee in the above-referenced application on September 21, 2007 and January 9, 2008, respectively, large-entity additional claims fee of \$250.00, independent claims fee of \$2000.00 and the Issue Fee of \$1,440.00, totaling \$3,690.00, were paid. Payment of the large-entity fees was in error because Applicant and Assignee were entitled to small-entity status. Applicants, therefore, respectfully request a refund in the amount of \$1,845.00, representing the amount of the overpayment. Copies of the stamped Fee Transmittal filed on September 21, 2007 indicating payment of the \$2,250.00, and stamped Fee Transmittal filed January 9, 2008 indicating payment of the \$1,440.00, are attached. A statement for the Deposit Account No. 22-0261 indicating that \$2,250.00 was charged thereto on September 24, 2007 and \$1,440.00 was charged thereto on January 10, 2008 is also enclosed.

The Application Data Sheet that was filed concurrently with the application, and the Supplemental Application Data Sheet that was filed on August 5, 2004, also noted incorrectly

1501

Application No.: 10/766,949

Docket No.: 37112-192025

that the Applicant was not a small entity. Accordingly, a Supplemental Application Data Sheet is also being submitted herewith.

Please refund the difference in the government fees (in the amount of \$1,845.00) between a small entity and a large entity by crediting the refunded amount to our Deposit Account No. 22-0261, and notify the undersigned accordingly.

Dated: 10/2/2008

#303671

Respectfully submitted,

By Steve Schwan

Michael A. Sartori, Ph.D.

Registration No.: 41,289

VENABLE LLP

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(202) 344-4000

(202) 344-8300 (Fax)

Attorney/Agent For Applicant

2007

09/21 218	11902306	89535-250116	1201	\$200.00	\$86
09/21 111	11886690	64845-249739	1631	\$300.00	\$87
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09/21 113	11886690	64845-249739	1633	\$200.00	\$87
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09/24 3146	77285986	31915-251297	7001	\$325.00	\$74
09/24 197	11392664	43315-229739	1253	\$1,020.00	\$73
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09/24 199	11007903	1015-US3	1253	\$1,020.00	\$71
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09/24 213	10766949	37112-192025 -	1202	\$250.00	\$69
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09/24 336	11902465	61368-251269	1111	\$500.00	\$69
09/24 337	11902465	61368-251269	1311	\$200.00	\$69

2008

01/09 2841	77366756	74725-TBA	7001	\$650.00	\$115,556
01/09 4323	76359441	32287-255000 ASSIGN.	8521	\$40.00	\$115,516
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01/09 105	11015643	32128-211513	1251	\$120.00	\$113,376
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01/09 174	3182824		6214	\$100.00	\$112,371
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01/09 19	11597788	27444-238835	2617	\$65.00	\$111,961
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01/10 26	11988433	32308-250013	1641	\$100.00	\$111,551
01/10 27	11988433	32308-250013	1633	\$210.00	\$111,341
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01/10 3851	29277945	76115-241685	1502	\$820.00	\$110,421
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01/10 155	11395325	1139532405-230033	1504	\$300.00	\$108,081
01/10 195	10924818	69179-230012	1501	\$1,440.00	\$106,641
01/10 196	10924818	69179-230012	1504	\$300.00	\$106,341
01/10 197	10766949	37112-192025	1501	\$1,440.00	\$104,901
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01/10 8923	77368182	74725-TBA(XPERIA)	7001	\$650.00	\$103,951
01/10 155	11579180	43315-237944	8021	\$40.00	\$103,911
01/10 12	78937920	41123-TBA	6003	\$100.00	\$103,811
01/10 54	11907192	35947-252078	8021	\$40.00	\$103,771
01/10 14	78937920	41123-TBA	6004	\$150.00	\$103,621
01/10 65	11984081	89535-252470	8021	\$40.00	\$103,581
01/10 9499	78827146	87278-248447	7004	\$150.00	\$103,431
01/10 10525	29277981	76115-241680	1502	\$820.00	\$102,611
01/10 12	78643158	55122-129030	7001	-\$1,300.00	\$103,911
01/10 13	78643158	55122-129030	7001	\$650.00	\$103,261
01/10 14	78979684		7001	\$650.00	\$102,811
01/10 15	78643158	55122-219030	6003	-\$200.00	\$102,811
01/10 16	78979684		6003	\$200.00	\$102,611
01/10 71	11950822	53650-245130	1011	\$310.00	\$102,301



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.
 Approved for use through 06/30/2010. OMB 0651-0032
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL For FY 2007		Complete if Known	
		Application Number	10/768,949-Conf. #2493
		Filing Date	January 30, 2004
		First Named Inventor	Alan J. Lipton
		Examiner Name	G. S. Philippe
		Art Unit	2613
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	37112-192025
TOTAL AMOUNT OF PAYMENT		(\$)	2,250.00

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify): _____

☒ Deposit Account
 Deposit Account Number: 22-0261
 Deposit Account Name: Venable LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**
45 5 50.00 250.00 **Fee (\$)** **Fee Paid (\$)**
 HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**
16 10 200.00 2,000.00
 HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

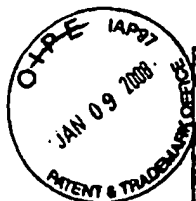
(round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

SUBMITTED BY		Registration No.	41,289/53,825	Telephone	(202) 344-4004
Signature	<i>[Signature]</i>	(Attorney/Agent)			
Name (Print/Type)	Michael A. Sartori, Ph.D./Marina V. Zalevsky	Date	September 21, 2007		



Effective on 12/09/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4218). FEE TRANSMITTAL For FY 2008		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number 10/766,949-Conf. #2493	Filing Date January 30, 2004
TOTAL AMOUNT OF PAYMENT (\$) 1,740.00		First Named Inventor Alan J. Lipton	Examiner Name G. S. Philippe
		Art Unit 2613	Attorney Docket No. 37112-192025

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 22-0261 Deposit Account Name: Venable LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		<i>Small Entity</i> Fee (\$)		<i>Small Entity</i> Fee (\$)		<i>Small Entity</i> Fee (\$)	Fees Paid (\$)
Application Type	Fee (\$)		Fee (\$)		Fee (\$)		
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	
2. EXCESS CLAIM FEES							
						<i>Small Entity</i> Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						210	105
Multiple dependent claims						370	185
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)	
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(a).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____							
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)						Fees Paid (\$)	
Other (e.g., late filing surcharge): Issue Fee & Publication Fee						\$1,740.00	

SUBMITTED BY			
Signature 	Registration No. (Attorney/Agent) 41,289/ 53,825	Telephone (202) 344-4000	
Name (Print/Type) Michael A. Sartori, Ph.D./Marina V. Zalevsky	Date January 9, 2008		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Alan J. LIPTON et al.

Appl. No. 10/766,949
Confirmation No. 2493

Filed: January 30, 2004

For: VIDEO BASED PASSBACK
EVENT DETECTION

Art Unit: 2613

Examiner: Gims S. Philippe

Atty. Docket No. 37112-192025

Customer No.

26694

PATENT TRADEMARK OFFICE

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated July 19, 2007, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Abstract are reflected on page 16 of this paper.

Remarks/Arguments begin on page 17 of this paper.

11/18/2008 SDIRETA1 00000008 220261 10766949

01 FC:2202 125.00 DA
02 FC:2201 1000.00 DA

09/24/2007 MBELETE1 00000119 220261 10766949

01 FC:1201 2000.00 DA
02 FC:1202 250.00 DA